

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 THOMAS W. SEITER,

8 Plaintiff,

9 v.

10 YOKOHAMA TIRE CORPORATION,

11 Defendant.

Case No. C08-5578 FDB

ORDER DENYING DEFENDANT'S
MOTION TO SEAL DOCUMENTS
AND DEPOSITION TESTIMONY

12
13 This matter comes before the Court on Defendant Yokohama Tire Corporation's motion o
14 seal documents and deposition testimony. The Court, having reviewed the motion, response and the
15 record herein, is fully informed and hereby denies the motion for the reasons stated herein.

16 **Introduction and Background**

17 This is an employment-based lawsuit, brought by Plaintiff, Thomas W. Seiter against
18 Defendant Yokohama Tire Corporation for wrongful termination, disability discrimination and
19 unpaid wages. Yokohama seeks to have sealed under the previously entered protective order,
20 certain documents and deposition testimony it claims to consist of confidential business practices
21 and trade secrets. Plaintiff disputes this characterization of the testimony and documents and
22 further argues that Defendant has failed demonstrate the propriety for sealing this testimony and
23 documents.

24 **Rule 26(c) Protective Orders**

25 To obtain a protective order, the party resisting discovery or seeking limitations must, under

1 Rule 26(c), show good cause for its issuance. Specifically, the moving party must make a clear
2 showing of a particular and specific need for the order. Blankenship v. Hearst Corp., 519 F.2d 418,
3 429 (9th Cir.1975).

4 Local Civil Rule 5(g)(4) provides that “[a] motion ... to seal shall provide a specific
5 description of particular documents or categories of documents a party seeks to protect and a clear
6 statement of the facts justifying sealing and overcoming the strong presumption in favor of public
7 access. The facts supporting any motion or stipulation to seal must be provided by declaration or
8 affidavit.” In the case of trade secrets, the moving party must show (a) that the information is a
9 trade secret or other confidential research, development, or commercial information, and (b) that its
10 disclosure would be harmful to the party's interest in the property. Wang v. Hsu, 919 F.2d 130, 130
11 (10th Cir. 1990).

12 Defendant has failed to demonstrate that the subject deposition testimony and
13 documentation consists of trade secrets or propriety commercial information that should be shielded
14 from the public disclosure.

15 Conclusion


16 For the above stated reasons the Court denies Defendant’s motion to seal documents and
17 deposition testimony.

18 ACCORDINGLY;

19 IT IS ORDERED:

20 Defendant’s Motion to Seal Documents and Deposition Testimony [Dkt. # 48] is **DENIED**.

21 DATED this 19th day of January, 2010.

22
23 
24 FRANKLIN D. BURGESS
25 UNITED STATES DISTRICT JUDGE
26